

EXTENDING PERIOD OF 3 YEARS FOR FILING SUIT BY
TLINGIT AND HAIDA INDIANS, ALASKA

MAY 19 (legislative day, MAY 15), 1942.—Ordered to be printed

Mr. THOMAS of Oklahoma, from the Committee on Indian Affairs,
submitted the following

REPORT

[To accompany H. R. 5484]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5484) providing for the extension of a period of 3 years within which suit may be filed by the Tlingit and Haida Indians of Alaska under the terms of the act of June 19, 1935, having considered the same report thereon with the recommendation that it do pass without amendment.

This bill has been considered by the Committee on Indian Affairs of the House; on February 9, 1942, that committee submitted its report (H. Rept. No. 1761) to the House recommending its passage and on May 4, 1942, it passed the House.

The purpose of this proposed legislation is fully set forth in said House report No. 1761, a copy of which is attached hereto and made a part of this report, as follows:

[H. Rept. No. 1761, 77th Cong., 1st sess.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 5484) for the relief of the Tlingit and Haida Indians of Alaska, having considered the same, report favorably thereon and recommend that the bill do pass without amendment.

The purpose of the bill is to extend for a period of 3 years the time within which suit or suits may be filed by the Haida and Tlingit Indians of Alaska under the terms of the act of Congress of June 19, 1935 (49 Stat. 388). Unless an extension is granted, the time for commencing suit under the act mentioned will expire on June 18, 1942.

As indicated in the letter dated November 18, 1941, addressed to the chairman of the committee by the Secretary of the Interior, a copy of which will be appended to this report, serious difficulties have been encountered in setting up the organization necessary to bring the suit. It appears that a contract for that purpose was found unsuitable and, therefore, not approved by the Department, and no other contract has been entered into. The Secretary's letter should be read for further information on this point.

However, the gravest reason justifying speedy enactment of the bill is to be found in the outbreak of the present war. Alaska is really one of the frontiers of the Nation. The Delegate from Alaska advises that shipping between the States and Alaska, and shipping within Alaska, have been seriously curtailed since December 7, 1941, and that as a consequence it is more than ever difficult for the Tlingit and Haida Indians, who live exclusively in southeastern Alaska, in 18 separate villages scattered through a region 300 miles long and 100 miles broad, and are obliged to travel from one part of that region to another by water to communicate with each other and thus to bring about the necessary organization which is a prerequisite to the filing of the proposed suit. He further advises that native Alaska Indians, like other citizens of the United States, are being drafted into the Army, and thus some who are most interested in the subject are now or soon will be in military service. It seems only reasonable that the rights of these citizens should not be prejudiced for the fact that they have been brought into the national defense service, and thus are unable to take an active part in the organization which lies at the foundation of the proposed action.

While it may be said that the people involved should not have so long delayed, it is to be realized that they are aborigines of the country, that some of the older ones speak the English language poorly, if at all, and that many are not familiar with the requirements in such cases prescribed by the Secretary of the Interior or by the Bureau of Indian Affairs, and are finding it difficult to conform with those requirements.

It will be noted that the bill has clearance from the Bureau of the Budget.

The letter of the Secretary of the Interior, to which reference has been made, follows:

THE SECRETARY OF THE INTERIOR,
Washington, November 18, 1941.

HON. WILL ROGERS,
Chairman, Committee on Indian Affairs,
House of Representatives.

MY DEAR MR. ROGERS: You have requested an expression of my views on H. R. 5484, a bill to extend for a period of 3 years the time within which suit might be filed in the Court of Claims by the Tlingit and Haida Indians of Alaska, under the act of June 19, 1935 (49 Stat. 388).

I recommend that the bill be enacted as promptly as possible.

The act of June 19, 1935, authorizes the Tlingit and Haida Indians to submit to the Court of Claims for adjudication all claims of whatever nature they have against the United States for lands or other tribal or community property taken from them by the United States without compensation, or for the failure or refusal of the United States to compensate them for lands or other tribal or community property claimed to be owned by the Indians and which the United States appropriated to its own use without the consent of the Indians, or for the failure or refusal of the United States to protect their interests in lands or other tribal or community property in Alaska at the time of its purchase by the United States from Russia or at any time since that date and prior to the approval of the act.

Section 3 of the act required that a petition or petitions embodying the claims of the Indians be filed in the Court of Claims within 7 years after its approval, and contemplated that such a petition or petitions be verified by any attorney or attorneys employed by the Indians under a contract approved by the Commissioner of Indian Affairs and the Secretary of the Interior. Such a contract was required by the act to be executed in behalf of the Tlingit and Haida Indians by a committee chosen by them under the direction and approval of the Commissioner of Indian Affairs and the Secretary of the Interior.

Following the approval of the act of 1935, the Indians in interest were promptly notified of its passage through the field office of this Department in Juneau, Alaska. For some reason not disclosed by our records, the Indians manifested no inclination to take steps toward the employment of an attorney or attorneys to represent them in the formulation and prosecution of their claims until the latter part of 1939. During that year, the Alaska Native Brotherhood, the membership of which is comprised principally of Tlingit and Haida Indians, sought to create within its membership a committee to act for and on behalf of all of the Tlingit and Haida Indians in the selection and employment of an attorney to represent them in the prosecution of claims under the act of June 19, 1935. That action was not approved by this Department. In June 1940 instructions were issued to the General Superintendent of Alaska, authorizing him to arrange for the selection by the Tlingit and Haida Indians of a committee to employ attorneys

for them in the manner contemplated by section 3 of the act of 1935. Pursuant to these instructions, with minor modifications prescribed in February of this year, a convention was held at Wrangell, Alaska, attended by delegates from each community of the Tlingit and Haida Indians. At this convention, three attorneys were selected by the Indians, and three Indian delegates were chosen and empowered to execute a contract of employment with the attorneys selected.

The contract of employment subsequently executed by these delegates, when reviewed by this Department, was found to be one which did not properly safeguard the interests of the Indians. Accordingly, the contract was returned in July to the delegates without approval for further consideration by them. Since that time, one of the attorneys selected by the Indians has tentatively withdrawn from the case. It may prove necessary ultimately to hold another meeting of the Indians to select a substitute attorney.

Even though a contract meriting approval by this Department should be executed in the near future by the delegates chosen by the Indians under the act of 1935 less than 1 year would remain within which the attorneys might investigate and formulate the claims of the Indians preparatory to filing a suit or suits in their behalf in the Court of Claims. The Tlingit and Haida Indians reside in 18 separate villages scattered throughout southeastern Alaska. Considerable time would be required to enable the attorneys to visit these communities for the purpose of obtaining any information deemed necessary for the preparation of the suits. Since it is doubtful whether the task could be performed properly within the authorized time remaining, I urge that H. R. 5484 be enacted in order that these Indians may have full opportunity to procure an adjudication of their claims by the Court of Claims.

The Bureau of the Budget has advised me that there is no objection to the presentation of this report to the Congress.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior.

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